



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

November 8, 2019

The Honorable Tony Thurmond  
Superintendent  
California Department of Education  
1430 N Street  
Sacramento, CA 95814

Dr. Linda Darling-Hammond  
President  
State Board of Education  
1430 N Street, Room 5111  
Sacramento, CA 95814

Dear Superintendent Thurmond and Dr. Darling-Hammond:

I am writing in response to California's request to the U.S. Department of Education (Department) on December 10, 2018 to amend its approved consolidated State plan under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act. Prior to implementing any revisions to its approved consolidated State plan, a State must submit its proposed amendments to the U.S. Department of Education (the Department) for review and approval.

I have determined that the amended request meets the requirements in the ESEA and, for this reason, I am approving California's amended State plan. A summary of California's amendments is enclosed. This letter, as well as California's revised ESEA consolidated State plan, will be posted on the Department's website. Any further requests to amend California's ESEA consolidated State plan must be submitted to the Department for review and approval.

In reviewing the amendments and through conversations with your staff, the Department has determined that California is not meeting the requirements in section 1111(c)(4)(E) of the ESEA when calculating its Academic Achievement indicator. The denominator of that calculation must be the greater of 95 percent of all students (and each subgroup) or the number of students tested. In the event that fewer than 95 percent of students are assessed in a particular subject, the numerator must include the number of non-participants necessary to reach 95 percent. Because California is using scale scores in its Academic Achievement indicator, these students must be assigned the lowest possible scale score.

California's fiscal year (FY) 2019 Title I, Part A grant award is on "high-risk" status based on California's failure to include the Progress in Achieving English Language Proficiency indicator in differentiating among schools. It is my understanding that California intends to address this matter by

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<http://www.ed.gov/>

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identifying schools for comprehensive support and improvement (CSI) and additional targeted support and improvement (ATSI) in fall 2019 based on data from the 2018-2019 school year. California will not, however, simultaneously correct the calculation of the Academic Achievement indicator. As a result, pursuant to the authority in 2 C.F.R. §§ 200.207 and 3474.10, I am amending California's FY 2019 Title I, Part A grant award's "high-risk" status to include this additional concern. To resolve this matter, California must modify and submit its business rules for calculating the Academic Achievement indicator and submit an amendment to its consolidated State plan to reflect how the State will meet the requirements in section 1111(c)(4)(E) of the ESEA. Moreover, California must again identify schools for CSI and ATSI by the beginning of the 2020-2021 school year based on data from the 2019-2020 school year, correctly calculating the Academic Achievement indicator, and require any school not already identified in fall 2019 to begin implementing a CSI or ATSI plan in the 2020-2021 school year.

In order to remove California's high-risk status for the FY 2019 Title I, Part A grant award, California must provide evidence of the following:

1. It used the Progress in Achieving English Language Proficiency indicator to identify schools for CSI and ATSI in fall 2019 based on data from the 2018-2019 school year.
2. It modified and submitted to the Department its business rules for calculating its Academic Achievement indicator in accordance with the requirements in section 1111(c)(4)(E) of the ESEA.
3. It submitted an amendment to its consolidated State plan to reflect correct calculation of the Academic Achievement indicator in accordance with the requirements in section 1111(c)(4)(E) of the ESEA.
4. It identified schools for CSI and ATSI in fall 2020 based on a system of annual meaningful differentiation that meets the requirements in ESEA section 1111(c)(4)(C) using data from the 2019-2020 school year, and calculating the Academic Achievement indicator in accordance with the requirements in section 1111(c)(4)(E) of the ESEA.
5. It required any school not already identified in fall 2019 to begin implementing a CSI or ATSI plan in the 2020-2021 school year.

If California fails to meet these requirements, the Department may take additional enforcement action, including withholding a portion of the State's Title I, Part A administrative funds, consistent with section 1111(a)(7) of the ESEA.

California may request reconsideration of its amended "high-risk" designation for Title I, Part A by submitting to me in writing, no later than 10 business days from the date of this letter, a detailed description setting forth the basis for its belief that this designation is improper, including the specific facts that support its position. If California chooses to request such reconsideration, that request must be submitted via e-mail to: [OESE.titlei-a@ed.gov](mailto:OESE.titlei-a@ed.gov). If I do not receive a request for reconsideration within 10 business days, California's "high-risk" status for Title I, Part A will be considered final, and will be lifted only upon evidence of its completion of the actions set forth above.

Please be aware that approval of the amendments to California's consolidated State plan is not a determination that all the information and data included in the amended State plan comply with Federal civil rights requirements, including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and requirements under the Individuals with Disabilities Education Act. It is California's responsibility to comply with these civil rights requirements.

Thank you for all of the work that the California Department of Education has put into its consolidated State plan under the ESEA. If you need any assistance regarding the implementation of your ESEA consolidated State plan, please contact the Office of School Support and Accountability at: [OESE.Titlei-a@ed.gov](mailto:OESE.Titlei-a@ed.gov).

Sincerely,

/s/

Frank T. Brogan  
Assistant Secretary for  
Elementary and Secondary Education

Enclosure

cc: Shanine Coats, Federal Policy Liaison

## **Amendments to California's Consolidated State Plan**

The following is a summary of California's amendment requests. Please refer to the U.S. Department of Education's website <https://www2.ed.gov/admins/lead/account/stateplan17/map/ca.html> for California's complete consolidated State plan.

### *Academic Achievement Long-term Goals:*

California Department of Education (CDE) revised the methodology for calculating the Academic Achievement long-term goals for reading/language arts and mathematics for high school. For reading/language arts for grade 11, the long-term goal is to have an average scale score that is at the "green" level on the State dashboard, which now means an average scale score that is at least 30 points above (compared to being at least 10 points above, previously) the lowest possible scale score needed to achieve Level 3 (i.e., proficient). For mathematics, the State's long-term goal is for grades 7-12, rather than only grade 11.

CDE also updated its long-term goals and measurements of interim progress for reading/language arts and mathematics for all grades to incorporate updated high school baseline data to reflect the inclusion of assessment results for grade 11.

### *Graduation Rate Long-term Goals:*

CDE revised the baseline for its long-term goal that measures the change in graduate rate (which is in addition to CDE's long-term goal for graduation rate). CDE explained that, beginning with the 2018 dashboard, performance on this long-term goal will be calculated using the change from the prior year only (i.e., not a three-year weighted average).

### *Academic Achievement Indicator:*

For high school reading/language arts, CDE adjusted the Academic Achievement indicator such that a school now meets its goal of achieving Level 4 when it has an average scale score that is at least 30 points above (compared to being at least 10 points above, previously) the lowest possible scale score needed to achieve Level 3 (i.e., proficient).

### *Other Academic Indicator for Elementary and Secondary Schools that are Not High Schools:*

In its amendment, CDE describes how it implements chronic absenteeism as its Other Academic indicator for elementary and secondary schools that are not high schools. A student is considered a chronic absentee if he or she was absent at least 10 percent or more of the instructional days that the student was enrolled to attend in a school. CDE included a five-by-five grid for this indicator and outlined how the indicator will be used for meaningful differentiation of schools.

### *School Quality or Student Success Indicator:*

CDE amended the "change" element within the School Quality or Student Success (SQSS) indicator to measure performance based on the change in graduation rate from the prior year compared to the current year (rather than a three-year weighted average of the change).

### *School Quality or Student Success Indicator:*

CDE amended its plan to include the College/Career Indicator (CCI) as an additional SQSS indicator for high schools. CDE established a five-by-five grid for the CCI to show how schools are assigned performance levels and awarded points, consistent with the rest of the CDE system. CCI includes both a "status" measure, which is the school's current CCI rate and a "change" measure, which is the

difference between the school's current rate and the prior year's rate. CDE changed some of the measures that it had previously indicated would become part of the CCI. CDE now includes completion of the State Seal of Biliteracy and completion of Career and Technical Education (CTE) Pathways and removed the Golden State Seal Merit Diploma.

*Frequency of School Identification:*

CDE adjusted the frequency of school identification for comprehensive support and improvement so that the State will identify schools in fall 2018 and in fall 2019 and then once every three years thereafter.

*Annual Meaningful Differentiation:*

California updated its business rules for calculating the Academic Achievement indicator. For a school with a participation rate below 95 percent, CDE will adjust a school's average scale score, when calculating the Academic Achievement indicator, downward to reflect the difference between the actual participation rate and 95 percent. Note that this adjustment, on its own, is not sufficient to meet the requirement to calculate the Academic Achievement indicator in accordance with ESEA section 1111(c)(4)(E).

*More Rigorous State-Determined Action:*

CDE clarifies the support that is available within the three levels in California's system of support, a tiered model by which supports are provided. Specifically, in level 2 (differentiated assistance) and level 3 (intensive intervention), the State will now provide assistance at the LEA level, rather than the LEA and school levels. Level 2 supports will be provided to any LEA with a school identified for comprehensive support and improvement that does not meet the exit criteria within four years of identification. Level 3 supports may be required for LEAs with persistent performance issues and a lack of improvement over a specified period of time.